

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ROSY GIRON DE REYES, *et al.*,

Plaintiffs,

V.

Case No. 1:16-cv-563

WAPLES MOBILE HOME PARK

LIMITED PARTNERSHIP, et al.,

Defendants.

ORDER

The matter is before the Court on plaintiffs' motion to strike the report and testimony of a purported expert witness, George Caruso (Doc. 117).

Defendants submitted Mr. Caruso’s declaration and report in support of defendants’ motion for summary judgment, and in opposition to plaintiffs’ cross motion for summary judgment. *See, e.g.*, D. Br. (Doc. 150) ¶ 23; *id.* Exs. 17 & 17(1)–(2). Specifically, Mr. Caruso’s opinions appear to relate to the question whether defendants had a legitimate justification for implementing a policy that plaintiffs claim was unlawfully discriminatory. Notably, a hearing on the parties’ pending summary judgment motions is scheduled for Friday, January 27, 2017. Yet, at 2:38 a.m. Thursday, January 26—the eve of the summary judgment hearing—plaintiffs filed the instant motion to strike and exclude Mr. Caruso’s seemingly relevant opinions pursuant to Rules 403 and 702, Fed. R. Evid. Plaintiffs also noticed a hearing date on the instant motion for February 17, 2017—i.e., several weeks after the summary judgment hearing.

Because of the role that the challenged exhibits and testimony might play in summary judgment and at trial, plaintiffs' motion to strike and exclude merits more careful consideration than can be afforded in one day.

Accordingly, and for good cause,

It is hereby **ORDERED** that the hearing on the parties' cross motions for summary judgment is **RESCHEDULED** for 11:00 a.m. Friday, February 17, 2017. It is further **ORDERED** that a hearing on plaintiffs' motion to strike and exclude (Doc. 117) is **SCHEDULED** for that same time, 11:00 a.m. Friday, February 17, 2017.


It is further **ORDERED** that defendants are **DIRECTED** to file a response brief to the motion to strike and exclude by 5:00 p.m. Friday, February 3, 2017.

It is further **ORDERED** that plaintiffs may, if they wish to do so, file a reply brief in support of their motion to strike and exclude no later than 5:00 p.m. Tuesday, February 7, 2017.

It is further **ORDERED** that defendants are **DIRECTED** to file a sealed, un-redacted electronic copy of their redacted opening summary judgment brief and exhibits (Doc. 98) no later than 5:00 p.m. Monday, January 30, 2017.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia
January 26, 2017



T. S. Ellis, III
United States District Judge